IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)				
	Plaintiff,) 8:11CR361)		
	vs.) DETENTION ORDER		
RU	IBEN J. HUPP,			
	Defendant.	}		
A.	Order For Detention After holding a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on October 28, 2011, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
C.	The Court's findings are based on the evidence which was presented in court and contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: a conspiracy to distribute and possess with intent to distribute methamphetamine (Count I) in violation of 21 U.S.C. § 846 and the distribution of methamphetamine (Counts IV and V) in violation of 21 U.S.C. § 841(a)(1) each carry a minimum sentence of five years imprisonment and a maximum of forty years imprisonment; the distribution of methamphetamine (Count II) in violation of 21 U.S.C. § 841(a)(1) carries a maximum sentence of twenty years imprisonment. (b) The offense is a crime of violence. (c) The offense involves a narcotic drug. (d) The offense involves a large amount of controlled substances, to wit:			
	may affect whet The defendant h X The defendant h X The defendant h The defendant is The defendant is The defendant h ties. Past conduct of X The defendant h	of the defendant including: appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. s not a long time resident of the community. does not have any significant community		

DETENTION ORDER - Page 2

	X The defendant has a p	gnificant prior criminal record. orior record of failure to appear at
(b)	court proceedings. At the time of the current arrest,	the defendant was on:
	Probation Parole	
		sentence, appeal or completion of
	sentence.	sentence, appear or completion of
(c)	Other Factors:	
(-)	The defendant is an	illegal alien and is subject to
	deportation.	
	The defendant is a fe	egal alien and will be subject to
	deportation if convicted.	ation and Custom Enforcement
	(BICE) has placed a de	tainer with the U.S. Marshal.
	Other:	tairor war tro o.e. marena.
		danger posed by the defendant's
		e charges in the Indictment and the
defer	idant's substance abuse and crim	inal history.
X (5) Reb u	ittable Presumptions	
		d be detained, the Court also relied
		tion(s) contained in 18 U.S.C. §
	(e) which the Court finds the defer	
		tion of conditions will reasonably
		fendant as required and the safety
	of any other person and the comr	nunity because the Court finds that
	the crime involves:	
	(1) A crime of violence	
		ich the maximum penalty is life
	imprisonment or de	
		nce violation which has a maximum
	penalty of 10 years	
	or more prior offer	efendant had been convicted of two nses described in (1) through (3)
	ahove and the def	fendant has a prior conviction for
	one of the crimes m	nentioned in (1) through (3) above
		five years old and which was
		defendant was on pretrial release.
X (b)		tion of conditions will reasonably
		fendant as required and the safety
	of the community because the	Court finds that there is probable
	cause to believe:	
		nt has committed a controlled
		which has a maximum penalty of
	10 years or more.	has as more itted as affaire a sure de 40
		has committed an offense under 18
		ses or carries a firearm during and
		me of violence, including a crime of
	·	vides for an enhanced punishment
	weapon or device).	e use of a deadly or dangerous
	Wapon or acvice).	

DETENTION ORDER - Page 3

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 28, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge